



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GAU 3662

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Cof. 6-29-00

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In re Application of)
Barrett, Jr.)
Serial No. 09/436,387)
Filed February 7, 2000)
For: GUIDED BULLET)
Attorney's Docket No. P-4419.001)

B. Gregory
Primary Examiner
Art Unit 3662

16 June 2000
Raleigh, North Carolina

Assistant Commissioner of Patents
Box Non-Fee Amendment
Washington, D.C. 20231

Dear Sir:

Remarks

Claims 1-32 were rejected because the declaration was alleged to be defective. Further, Applicant was required to surrender the patent or submit an affidavit as to the loss of the original patent.

Applicant appreciates a phone conversation on 14 June 2000 with the Examiner wherein the status of the claims was discussed. Examiner Gregory indicated that claims 1-32 define over the cited art and would be in condition for allowance, but for the declaration.

Applicant herein submits a new declaration which specifically identifies the "means" clauses of claim 1 that Applicant believes to overlimit the scope of the claim. At the time of filing and prosecution, 35 U.S.C. § 112 ¶ 6 was frequently used in an

attempt to broaden the claims with "means" language. Since that time, the Federal Circuit has seen fit to restrict the scope of such clauses in a litigation context. The claims that issued are thus narrower than those to which Applicant is entitled as a direct result of the "means" language.

Applicant herein also submits a supplemental declaration that covers all other errors that may have been corrected during the course of the reissue proceedings.


Applicant herein further provides a declaration as to the loss of letters patent.

The case is now in condition for allowance and Applicant requests that the patent reissue at the Examiner's earliest convenience.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

By:


Larry L. Coats
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CERTIFICATE OF MAILING

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DATE 6/16/2000 _____